

Attorney Docket No. 56804 (46342)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****APPLICANTS:** Itoh, et al.**U.S.S.N.:** 10/019, 455**ART UNIT:**

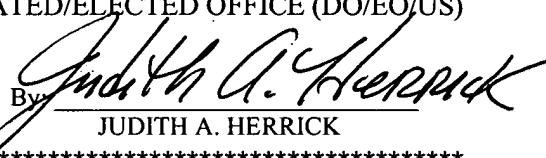
Not yet assigned

**FILED (U.S.):** December 28, 2001**EXAMINER:**

Not yet assigned

**FOR:** NOVEL POLYPEPTIDE AND DNA THEREOF**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: BOX MISSING PARTS, U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) Commissioner for Patents, Washington, D.C. 20231 on April 22, 2002.

  
By \_\_\_\_\_  
**JUDITH A. HERRICK**

\*\*\*\*\*  
BOX MISSING PARTS  
U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)  
Commissioner for Patents  
Washington, D.C. 20231

Sir/Madam:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. § 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following is in response to the Notification Of Missing Requirements Under 35 U.S.C. § 371 In The United States Designated/Elected Office (DO/EO/US), mailed February 22, 2002, in the above-referenced application.

Enclosed herewith for filing in the subject application are the following:

1. A copy of the Notification Of Missing Requirements Under 35 U.S.C. § 371 In The United States Designated/Elected Office (DO/EO/US) for the subject application;
2. Copy of Raw Sequence Listing Error Report and Raw Sequence Listing showing errors;
3. Paper Copy of Corrected Sequence Listing (20 pages);

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U.S.S.N. 10/019,455  
Filed: December 28, 2001  
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4. Computer Readable Copy of Corrected Sequence Listing (1 Diskette);
5. Submission of "Sequence Listing," Computer Readable Copy, and/Or Amendment Pertaining Thereto For Biotechnology Invention Containing Nucleotide And/Or Amino Acid Sequence;
6. Statement To Support Filing And Submission In Accordance With 37 C.F.R. §§ 1.821-1.825,
7. Preliminary Amendment including Amendment Directing Entry of Corrected Sequence Listing into Specification and request to accept substitute specification;
8. Substitute Specification, and
9. Marked-Up Copy of Specification Showing Changes Being Made.

Applicants believe that no fee is due with the filing of this response; however, if for any reason fees are necessary, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

April 22, 2002  
Customer No.: 21874

Dianne Rees  
Dianne M. Rees, Ph.D., (Reg. No. 45,281)  
EDWARDS & ANGELL, LLP  
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Practitioner's Docket No. 56804 (46342)

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Itoh, et al.  
 Application No.: 10/019,455  
 Filed (U.S.): December 28, 2001  
 For: NOVEL POLYPEPTIDE AND DNA THEREOF  
 Group No.: Not yet assigned  
 Examiner: Not yet assigned

**BOX MISSING PARTS**  
**U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**  
**Commissioner for Patents**  
**Washington, D.C. 20231**

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
 AND/OR AMENDMENT PERTAINING THERETO  
 FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
 AND/OR AMINO ACID SEQUENCE**

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***  
*(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

**37 C.F.R. SECTION 1.8(a)**

with sufficient postage as first class mail.

**37 C.F.R. SECTION 1.10\***

as "Express Mail Post Office to Address"  
 Mailing Label No. \_\_\_\_\_ (**mandatory**)

**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_\_.  
 Date *Apr. / 22, 2002*

Signature JUDITH A. HERRICK

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will

*(check and complete this item, if applicable)*

1. [ x ] This replies to the Notification Of Missing Requirements Under 35 U.S.C. § 371 In The United States Designated/Elected Office (DO/EO/US) ("Notification"), mailed February 22, 2002.

*NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the application number from the return post card or the attorney's docket number added.*

- [ x ] A copy of the Notification, including Copy of Raw Sequence listing Error Report and Raw Sequence Listing showing errors is enclosed.

#### **IDENTIFICATION OF PERSON MAKING STATEMENT**

2. I, Dianne M. Rees, Ph.D.

*(type or print name of person signing below)*

state the following:

#### **ITEMS BEING SUBMITTED**

3. Submitted herewith is/are:

*(check each item as applicable)*

- A. [ X ] "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.
- B. [ X ] An amendment to the description and/or claims in the form of a substitute specification, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).
- C. [ X ] A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.
- D. [ ] Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Application No.: 0 /

Filed:

For:

Group No.:

Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

*NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. Section 1.821(e).*

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail Post Office to Address and Mailing Label No. \_\_\_\_\_, Acid Sequence--page 3 of 6)  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to BOX MISSING PARTS, U.S.  
DESIGNATED/ELECTED OFFICE (DO/EO/US), Commissioner for Patents, Washington, D.C. 20231.

**37 C.F.R. SECTION 1.8(a)**

**37 C.F.R. SECTION 1.10\***

with sufficient postage as first class mail.  as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (**mandatory**)

**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_-\_\_\_\_\_.  
  
**Signature**

Date:

*(type or print name of person certifying)*

**\*WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

E. [ X ] A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(g).

[ ] Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).

F. [ ] Because this submission is made in fulfilling the requirement under 37 C.F.R. Section 1.821(g), a statement that the submission includes no new matter.

[ ] Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

A. [X] Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. [ ] All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant is

[ ] a small entity. A statement:

[ ] is attached.

[ ] was already filed.

[ X ] other than a small entity.

**EXTENSION OF TERM**

6.

*NOTE: "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b) as applicable)*

(a) [ ] Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 400.00	\$ 200.00
[ ] three months	\$ 920.00	\$ 460.00
[ ] four months	\$1,440.00	\$ 720.00

**Fee \$ \_\_\_\_\_**

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

[ ] An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### **FEE PAYMENT**

8. [ ] Attached is a check in the sum of \$ \_\_\_\_\_.

[ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

### FEE DEFICIENCY

9.

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

10. [X ]If any additional extension and/or fee is required, charge Account No. 04-1105.

### SIGNATURE(s)

DIANNE M. REES, Ph.D. (Reg. No. 45281)  
(type or print name of person signing statement)

April 22, 2002  
Date

Dianne Rees  
Signature

EDWARDS & ANGELL, LLP  
P.O. Address of Signatory

P.O. BOX 9169  
BOSTON, MA 02209  
TELEPHONE: 617/439-4444  
CUSTOMER NO. 21874

(If applicable)

Tel. No.: (617) 439-4444  
Reg. No. 45,281

- [ ] Inventor
- [ ] Assignee of complete interest
- [ ] Person authorized to sign on behalf of assignee
- [ X ] Practitioner of record
- [ ] Filed under Rule 34(a)
- [ X ] Registration No. 45,281
- [ ] Other

(specify identity of person signing)

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" is attached.

Assignment recorded in PTO on \_\_\_\_\_  
Reel \_\_\_\_\_ Frame \_\_\_\_\_

April 22, 2002

Dianne Rees

SIGNATURE OF PRACTITIONER

Reg. No. 45,281

Dianne M. Rees, Ph.D.

(type or print name of practitioner)

Tel. No.: (617) 439-4444

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BOS298580V1